

S/N 10/635,127

Atty Dkt No. GP-303003 (GM-0363PUS)

Remarks

The following remarks are intended to be fully responsive to the Office Action mailed February 7, 2005.

Claims 1-14 are pending. Claims 13 and 14 are withdrawn from consideration. Claims 1-7 and 11-12 are rejected under 35 U.S.C. § 102(b) as being anticipated by Mahrle (US 2,821,146). Claims 8-10 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Zaguroli (5,598,785) in view of Sherburne (3,140,848). Applicants have cancelled claims 1-7 and 11-14. Applicants have amended claim 8. Applicants have added new claim 15.

Claim 15 recites a method of retrofitting a material handling system having an I-beam with a horizontally-oriented upper flange and a horizontally-oriented lower flange. The method includes "causing a trolley having two roller elements to translate with respect to the I-beam whereby the two roller elements roll on the lower flange; subsequent to said causing a trolley having two roller elements to translate with respect to the I-beam, connecting a hanger to the upper flange of the I-beam; and subsequent to said connecting a hanger to the upper flange of the I-beam, operatively connecting a rail to the hanger such that at least a portion of the rail is at the same vertical height as at least a portion of the I-beam, the rail at least partially defining a passage and a track at least partially enclosed within the passage." Applicants note that none of the references cited by the Examiner, i.e., Mahrle, Zaguroli, and Sherburne, teaches or suggests all the elements and limitations of claim 15.

With respect to Mahrle, it is apparent that roof truss 20, which the Examiner reads as a hanger, is not connected to the I-beam 12 subsequent to causing a trolley (yoke 16 in Mahrle) to translate relative to the I-beam 12. Rather, since roof truss 20 suspends the I-beam, it must be connected to the I-beam prior to causing the trolley 16 to translate. Further, there is no teaching or suggestion to connect rail P to the hanger 20 subsequent to either causing the trolley 16 to translate or subsequent to connecting the roof truss 20 to the I-beam 12. Accordingly, Mahrle does not teach or suggest all the elements and limitations of claim 15.

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With respect to Zaguroli and Sherburne, the Examiner states that Zaguroli discloses "trolley track rail 12 provided with a hanger 10." The Examiner then states that Sherburne "shows a support in the form of an existing overhead I-beam, e.g., a roof beam, and a hanger with fastening means for mounting the hanger to the existing overhead I-beam. Said hanger includes hanger bar 20 for suspending a structure from the beam."

In Section 6 of the Office Action mailed February 7, 2005, the Examiner states that "the roof I-beam of Sherburne is readable as a material handling system or at least being capable of being used as such because said beam has horizontally extending flanges that are inherently capable being [sic] used as exposed tracks for supporting trolleys." Although the flanges of the roof I-beam 4 of Sherburne may be capable of being used as an exposed track, there is no teaching or suggestion in Sherburne or Zaguroli to use it as such, and thus neither Sherburne nor Zaguroli teaches or suggests the method step of "causing a trolley ... to translate with respect to the I-beam whereby the two roller elements roll on the lower flange," as recited by claim 15.

Furthermore, there is no teaching or suggestion in Sherburne or Zaguroli to connect the rail of Zaguroli to the hanger of Sherburne such that "at least a portion of the rail is at the same vertical height as at least a portion of the I-beam," as recited by claim 15. Indeed, it is likely that connecting the rail of Zaguroli to the hanger of Sherburne such that at least a portion of the rail is at the same vertical height as the I-beam would be impossible: the proximity of Sherburne's support rod 20 to the edge 5b of the top flange 5 would result in physical part interference between the rail of Zaguroli and the lower flange of the I-beam. It should be noted that a significant feature of the present invention is that "at least a portion of the structural member [of the hanger] projects sufficiently outwardly from the beam to enable at least a portion of the enclosed track rail to be positioned laterally with respect to the beam," i.e., so that at least a portion of the rail is at the same vertical height as the beam. See paragraph 0005 of the present application. (underlining added for emphasis). The hanger of Sherburne does not include this important feature; rather, the support rod 20 of Sherburne hangs immediately adjacent to the edge 5b of the top flange 5 and thus it is unlikely, and definitely not disclosed, that a rail is mountable at the same height as the beam in the prior art.

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Thus, Applicants submit that claim 15 is allowable.

Claim 8 has been amended to clarify that the limitation that the "rail is positioned laterally with respect to the beam" means that "at least a portion of the rail is positioned at the same vertical height as at least a portion of the beam." As noted above with respect to claim 15, there is no teaching or suggestion in either Zaguroli or Sherburne to connect the rail of Zaguroli such that at least a portion of the rail is at the same vertical height as at least a portion of the beam. Furthermore, as noted above with respect to claim 15, since the hanger of Sherburne does not extend appreciably outward from the beam, it is unlikely that the rail of Zaguroli would be mountable at the same vertical height as the beam of Sherburne because of physical part interference between the lower flange of the I-beam and side wall 14 of Zaguroli's rail. Accordingly, Applicants submit that amended claim 8 is allowable. Claims 9 and 10 ultimately depend from claim 8 and are therefore allowable for at least the same reasons that claim 8 is allowable.

Conclusion

The amendments and remarks in support of the rejected claims are believed to place this application in condition for allowance, which action is respectfully requested.

The undersigned attorney is acting in a representative capacity in this Application under 37 C.F.R. §1.34(a). If further proof of authority to act in a representative capacity is required in this Application, please notify the undersigned via the correspondence address associated with this Application.

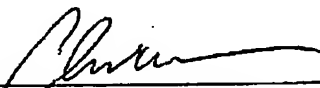
Please charge any fees associated with this amendment to deposit account 07-0960.

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Respectfully submitted,

GLEN D. TRAUBENKRAUT, et al.

By 
Christopher W. Quinn
Reg. No. 38,274

Date: 5/6/05

QUINN LAW GROUP, PLLC
39555 Orchard Hill Pl., Ste. 520
Novi, MI 48375
Phone: 248-380-9300
Fax: 248-380-8968

On behalf of:

Leslie C. Hodges
GENERAL MOTORS CORPORATION
Legal Staff Mail Code 482-C23-B21
P.O. Box 300
Detroit, Michigan 48265-3000